

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4998 of 2019

1 VIJAYAKUMAR
2 CHINNATHAMBI
3 LAKSHMI
4 KALIMUTHU

... PETITIONERS / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.64 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: MR.M.PALANI RAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 352, 324 IPC & 4 of Women Harassment Act, in Crime No.64 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant. Hence this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the defacto complainant came to the petitioners' house and made quarrel with petitioners and attacked them. Hence, the petitioners lodged a complaint against the defacto complainant before the respondent police in Crime No.65 of 2019. In order to escape from said case, the defacto complainant made a false complaint against these petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there is no previous case against the petitioners.

5.Considering the facts and circumstances of the case and no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruvadanai, Ramanathapuram District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photograph and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVADANAI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
RAMANATHAPURAM DISTRICT.

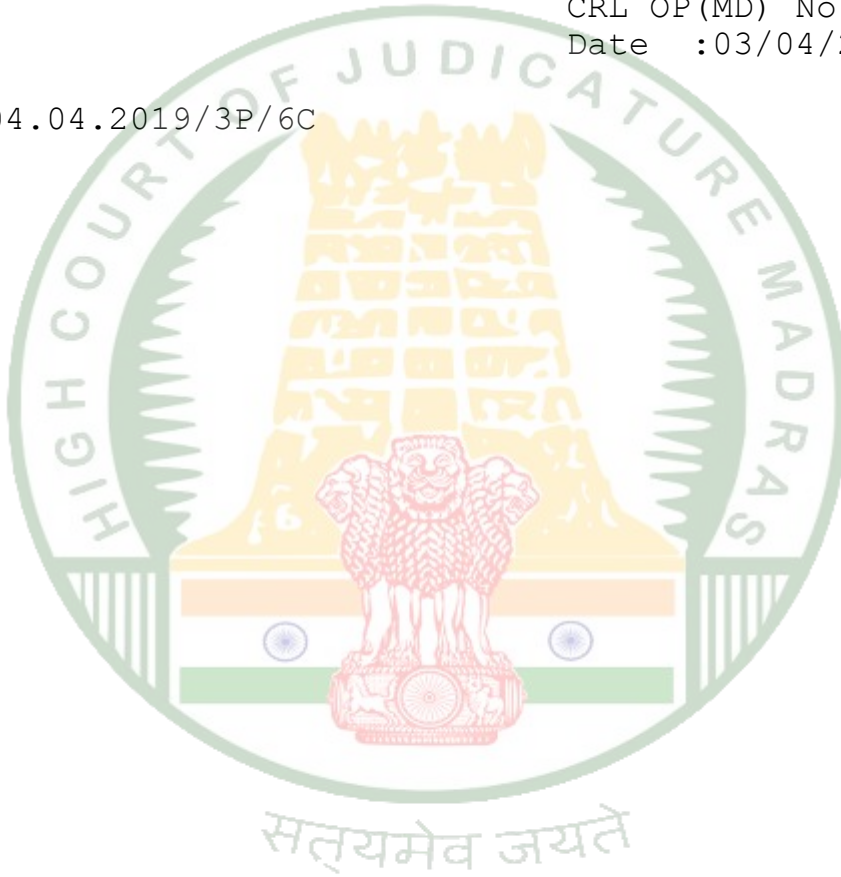
3 THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PALANI RAJA, Advocate, Sr No. 6061

ORDER
IN
CRL OP(MD) No.4998 of 2019
Date :03/04/2019

MS/PN/SAR 2/04.04.2019/3P/6C



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